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Paper No. 19

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION

PHILIPS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
580 WHITE PLAINS ROAD
TARRYTOWN NY 10591

In re Application of
Zimmerman et al.
Application No. 09/311,333
Filed: May 13, 1999
For: IN-THE-FIELD ADAPTATION OF A
LARGE VOCABULARY AUTOMATIC SPEECH
RECOGNIZER (ASR)

This is a decision on the Petition to Withdraw Holding of Abandonment which will be considered as having been filed under 37 CFR § 1.181(a), on April 14, 2003, in response to a Notice of Abandonment. No fee is required.

This application was held abandoned for failure to file an Appeal Brief or otherwise timely response to the outstanding final Office action (paper No. 7) mailed May 21, 2002. A Notice of Abandonment (paper No. 12) was mailed on March 24, 2003.

In support of the petition Applicant states and provides a copy of a continuing prosecution application (CPA) transmittal request, a Preliminary Amendment and a stamped mailroom receipt itemizing the CPA transmittal, a PTO form 1449, certificate of mailing and authorization to charge a deposit account.

A review of the file record indicates that the CPA transmittal and Preliminary Amendment (filed October 8, 2002) have been matched with the application and that the application fee of \$740.00 was processed on October 18, 2002. Therefore, the record is clear that the application was *not abandoned in fact* and a Notice of Abandonment should not have been issued.

The petition is **GRANTED**. The Notice of Abandonment is vacated.

The application file is being forwarded to the Examiner for appropriate action.

Mark Powell, Director
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